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Discover Society

Measured – Factual – Critical



We're a' Jock Tamson's Bairns!' Race equality, migration and citizenship in Scotland and the UK

Nasar Meer (Strathclyde University)

Despite the referendum result, the 'Scottish question' is not going away and will soon be joined by the prospect of English devolution, the serious electoral presence of UKIP and a possible exit from the EU. While race and ethnicity is something that cuts across all of these political questions, it has been especially overlooked in the separate (though related) debates over Scottish nationalism and Scottish Independence. As David McCrone (2002: 304) once noted, race and ethnicity and constitutional issues continue 'to fire past each other', and tend to leave a space that is filled with a latent assumption that Scotland is pursuing a broadly 'civic' – and therefore inclusive – programme.

Social scientists broadly agree that all civic and political cultures are enmeshed in ethno-national and religious histories, and even though we disagree over how and in what ways this matters we have largely parked the Scottish national question on race; left it in an 'impeccably civic' lot, and spent much of our time (and research income) on hypothetical deliberations over possible constitutional configurations.

Let me be clear, there is no reason to assume that Scotland is weaker on race equality policy than England: this is not a lazy complaint emanating from south of the border. On the contrary, in this short discussion, I want to explore how and why race matters in Scotland in a way that might highlight examples that the rest of the UK could learn from and, as much as anything else, lean toward the common Scots phrase that 'We're a' Jock Tamson's Bairns'; at least in the aspiration for race equality and wider notions of membership. This is not offered

as an uncritical consideration, for in the second half of the essay I want to reflect on how prevailing hierarchies in Scottish nationhood sit at odds with how minority Scots (who overwhelmingly self-identify as Scottish) can claim – and therefore remake – Scottish nationhood.

Race Equality Policies

We have certainly come a long way since Martin MacEwen (1980) wondered whether ‘race-relations’ in Scotland were best characterised by ‘ignorance or apathy’. This complaint looks out of place even though matters of equality were formally reserved to Westminster in the Scotland Act (1998). The UK has broadly understood tackling discrimination as something active in *seeking to treat people equally* rather than resting on a benign ideal of *equal treatment*. In theory at least, this reaches beyond how different groups might blend into society because we have group-specific instruments to outlaw discrimination based on gender, disability, age, sexual orientation and so forth, as well as monitoring the institutional under-representation among such groups (Meer 2010). Amongst this increasingly intersectional configuration, approaches to race equality have developed what Hepple (2011) calls an ‘unsettled apparatus’ that is also reflected in Schedule 5 of the [Scotland Act 1998](#) (c46), which incorporated the functions of the third [Race-Relations Act \(1976\)](#). Yet other developments can be traced to a distinctively Scottish, rather than UK, experience.

Firstly, in terms of *categories*, successive Acts tackling religious bigotry and incitement to religious hatred have adopted tariffs and sanctions that make the treatment of religious discrimination more symmetrical to racial discrimination than is the case in England and Wales. While there is a lively debate over the form and scale of sectarianism in Scotland (Raab and Holligan 2012), Government initiatives, through legislation such as the [Offensive Behaviour at Football and Threatening Communications \(Scotland\) Act 2012](#), are innovative because they make special mention of religious discrimination, and offer equivalent protection on the grounds of race, colour, nationality, ethnicity, sexual orientation, gender identity and disability. Moreover, the Scottish Government – unlike the rest of the UK – recognises Gypsies/Traveler groups as an ethnic minority, and the kinds of racialized discourses surrounding traveler communities are not part of acceptable debate in Scotland.

Secondly, Scotland has retained a public commitment to race equality and explicitly sought to entrench its mainstreaming, while the Westminster government has encouraged its diminution. During the UK wide consultation on harmonizing different equality bodies and different equality legislation, a repeated concern was the risk of rolling back equality achievements. Even if there was no immediate ‘dilution’ and settlements were ‘levelled up’ across different grounds, when separate commissions were no longer able to agitate for equality on specific grounds, and when legislation became streamlined, a less favourable political administration in more cash-strapped times, one trying to out-flank the right-wing UKIP electoral presence whose cornerstone is opposition to migration, would encounter less resistance if they moved to undermine existing settlements.

Craig and O’Neil (2013) point to these developments in England, noting the budget of the harmonised Equality and Human Rights Commission (EHRC) was quietly reduced by the coalition to the equivalent of less than one of its constituent bodies (from £70m when it started in 2007 to £17m presently). While this affects Scotland, too, the Scottish Government has mitigated it by bolstering its commitment to equality. Thus, in May 2012, the Scottish government placed specific duties on public authorities, also known as the [Scottish Specific](#)

[Duties](#), which requiring a listed authority to publish a mainstreaming report on the progress it has made in integrating the three needs of the General Equality Duty (GED) to: (i) Eliminate unlawful discrimination, harassment and victimization; (ii) Advance equality of opportunity, and (iii) Foster good relations.

This is in contrast to the discontinuation of statutory equality impact assessments in England, and marks a departure from understanding race equality as an unnecessary administrative burden in the way the Home Secretary Theresa May announced with her [review of the public sector equality duty](#) in the government's '[red tape reduction challenge](#)'.

Nonetheless, in 2012-13 in Scotland, [recorded racist incidents numbered 4,628](#), ethnic penalties continue to permeate [life chances in education and employment](#), and it is not yet clear how successfully, from a race equality perspective, the new [Public Sector Equality Duty](#) that accompanied the Equality Act 2010 has been embedded in Scotland. So whilst Scotland has much that is distinctive, it is uncertain how the various initiatives and policies intended to promote race equality are being delivered or indeed what the overall national trajectory is. This gap is precisely what my [new project is seeking to address](#), namely how approaches to race equality are developing in the context of a restored national parliament, fifteen years of devolution and the prospect of further political self-governance.

Migration and Citizenship

It is important not to overstate divergence in Scotland. Race Equality Schemes have included similar objectives to the rest of the UK, e.g., to 'achieve race equality' in the delivery of public goods and services), but Scotland has also placed a premium on the need to 'increase refugee integration and address race discrimination in Scotland'. The explicitness of the second objective is a legacy of asylum dispersal and is not mirrored in England where parallel government strategies are split between the Home Office – which emphasises restricting migration (especially of low skilled workers and those seeking asylum) – and the Department for Communities and Local Government (DCLG), which prioritises minority 'integration', respectively. Once again the politics are different too.

Because of historical population decline there has been a clear recognition that for a successful Scottish economy, it is necessary to attract and retain migrants. Since the majority of inward migration is international (and not inward from the rest of the UK), Scotland has been agitating for a distinct approach precisely because it more immediately relies on migration – or is certainly more open about being so – than other parts of the UK. Examples of this include the [Fresh Talent Initiative](#) and innovations in post-graduation residency rights for international students and other activities intended to help meet the Scottish Government's target of matching the EU population average over the period 2007-2017. Despite limited powers in migration policy Scotland now gains as a net recipient of international migration (which has exceeded emigration every year since 2001). Add to this the fact that Scotland's population is ageing quicker than in England it is clear why the white Paper, [Scotland's Future](#), explicitly set out its stall for a distinct approach on the grounds that 'the current UK immigration system has not supported Scotland's immigration policies'.

To its credit the Scottish Government has been consistent in promoting a vision for an asylum policy that honors International covenants, especially the rights and welfare of children – not least because the Scottish government has consistently complained about the detention of children on Scottish soil from families seeking asylum. The experience especially in the

central belt of dispersal policies has cultivated some valuable local strategies to facilitate settlement and integration, and challenged fears and prejudices. These local responses have relied on active stakeholder, voluntary and community sector collaborations that have sometimes been articulated in the formulation and refinement of national level discourse and policy that is often informed by a skilled (and vocal) third sector facilitated by an effective Council on Ethnic Minority Voluntary Organisations (CEMVO).

The question of citizenship of course goes well beyond migration. In recent years we have seen some interesting discussion of what an independent Scotland might do in this area. A fascinating summary of policy options is [offered by Jo Shaw](#) who shares the view that habitual residence will prevail as the criterion for achieving Scottish citizenship, while a version of the points based system would apply for new applicants, but in a way that didn't preclude dual citizenship. The challenge for a future Scottish administration would be not replicate the existing the UK approach in a way that incorporates its flaws and tendency for discriminatory enforcement.

The obvious point is that citizenship is not simply about naturalisation but about the social and political field in which – in our case – minorities are confident and audible enough to participate in Scotland. In addition to the technical questions of equality of opportunity, some of this has to do with a sense of ownership over Scotland. Here there is a longstanding trend of self-identification and claims-making on Scottish identities by ethnic minorities. The important aspect here is the subjective confidence and willingness amongst minorities to stake such a claim. Yet it is not clear how (if at all) the stronger claims that come with this will be met.

For example, in a recent British Academy funded study of national identity (Meer, 2013), I noted that Scottish political actors frequently point to a number of boundaries for ensuring integration and pursuing unity. Two examples include the question of multi-lingualism and multi-faithism. Taking the issue of language first, when the question is raised of bringing minority other languages into the fold, which are more frequently spoken than Gaelic and appear to be taking on distinctive Scottish forms in terms of content and dialect, there is a consensus amongst respondents that Scottish Urdu and Scottish Punjabi could not warrant a status as one of Scotland's national languages. In this assessment, historical multilingualism is seen as a feature of the national identity whereas migrant languages are potentially fragmentary.

A more charged illustration, however, concerns the prospects for religious pluralism, especially corporate recognition where the state-church relationship is pluralised. There are some very good reasons to be cautious about seeking to mirror one religious settlement in the present with something from the past, and it must be stressed that in my research *all* Scottish political actors respondents were positive (often *very* positive) about the fact of religious pluralism in Scotland. What is interesting in their responses was each framed the question of formally recognizing religious pluralism – as opposed to the fact of religious pluralism – within a register of sectarianism, and therefore resisted it. In this respect it may well be true, as the late Bashir Ahmed (Scotland's first ethnic minority MSP –of the SNP) put it, that 'it isn't important where you come from, what matters is where we are going together as a nation'.

What this requires us to do however is separate the identity of a nation from people's national identities – but in a manner that allows us to remake both. The paradox is that we are at an

earlier stage of this in Scotland even while race equality is increasingly marginalised in England.

References:

Craig, C. And O'Neil, M. (2013) 'It's time to move on from 'race'? The official invisibilisation of minority disadvantage', *Social Policy Review* 25, pp: 93-112.

Hepple, B. (2011) *The New Legal Framework*. Hart Publishing.

McCrone, D. (2002) 'Who do you say you are?', *Ethnicities*, 2 (3), 301-20.

MacEwan, Martin (1980) 'Race Relations in Scotland: ignorance or apathy?', *New Community*, 8, 266-274

Meer, N. (2013) *Scottish Nationhood and Ethnic Minorities*. British Academy Small Grants

Meer, N. (2010) 'The impact of European Equality Directives upon British Anti-Discrimination Legislation', *Policy & Politics*, 38(2), 197-215

Raab, C. and Holligan, C. (2012) 'Sectarianism: Myth or Social Reality?', *Ethnic & Racial Studies*, 1-21

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